

# Multi-Party Dialogues - Saskatoon Session, September 16-17, 2009

**NWMO SR-2009-06**

**November 2009**

**Stratos Inc.**

**nwmo**

NUCLEAR WASTE  
MANAGEMENT  
ORGANIZATION

SOCIÉTÉ DE GESTION  
DES DÉCHETS  
NUCLÉAIRES



**Nuclear Waste Management Organization**

22 St. Clair Avenue East, 6<sup>th</sup> Floor

Toronto, Ontario

M4T 2S3

Canada

Tel: 416-934-9814

Web: [www.nwmo.ca](http://www.nwmo.ca)

## **Nuclear Waste Management Organization**

The Nuclear Waste Management Organization (NWMO) was established in 2002 by Ontario Power Generation Inc., Hydro- Québec and New Brunswick Power Corporation in accordance with the *Nuclear Fuel Waste Act (NFWA)* to assume responsibility for the long-term management of Canada's used nuclear fuel.

NWMO's first mandate was to study options for the long-term management of used nuclear fuel. On June 14, 2007, the Government of Canada selected the NWMO's recommendation for Adaptive Phased Management (APM). The NWMO now has the mandate to implement the Government's decision.

Technically, Adaptive Phased Management (APM) has as its end-point the isolation and containment of used nuclear fuel in a deep repository constructed in a suitable rock formation. Collaboration, continuous learning and adaptability will underpin our implementation of the plan which will unfold over many decades, subject to extensive oversight and regulatory approvals.

## **NWMO Dialogue Reports**

The work of the NWMO is premised on the understanding that citizens have the right to know about and participate in discussions and decisions that affect their quality of life, including the long-term management of used nuclear fuel. Citizens bring special insight and expertise which result in better decisions. Decisions about safety and risk are properly societal decisions and for this reason the priorities and concerns of a broad diversity of citizens, particularly those most affected, need to be taken into account throughout the process. A critical component of APM is the inclusive and collaborative process of dialogue and decision-making through the phases of implementation.

In order to ensure that the implementation of APM reflects the values, concerns and expectations of citizens at each step along the way, the NWMO plans to initiate a broad range of activities. For each of these activities, reports are prepared by those who designed and conducted the work. This document is one such report. The nature and conduct of our activities is expected to change over time, as best practices evolve and the needs and preferences of citizens with respect to dialogue on nuclear waste management questions is better understood.

---

### Disclaimer:

This report does not necessarily reflect the views or position of the Nuclear Waste Management Organization, its directors, officers, employees and agents (the "NWMO") and unless otherwise specifically stated, is made available to the public by the NWMO for information only. The contents of this report reflect the views of the author(s) who are solely responsible for the text and its conclusions as well as the accuracy of any data used in its creation. The NWMO does not make any warranty, express or implied, or assume any legal liability or responsibility for the accuracy, completeness, or usefulness of any information disclosed, or represent that the use of any information would not infringe privately owned rights. Any reference to a specific commercial product, process or service by trade name, trademark, manufacturer, or otherwise, does not constitute or imply its endorsement, recommendation, or preference by NWMO.

---

**NWMO Multi-Party Dialogue on the Proposed Process to Select the Site for  
Managing Canada's Used Nuclear Fuel for the Long-Term**

**Saskatoon Session, September 16-17, 2009  
*Final Report***

Submitted to:

**Nuclear Waste Management Organization  
22 St Clair Ave. E.  
Toronto, Ont.  
M4T 2S3**

**November 13, 2009**

Prepared by:



**Stratos Inc.**  
1404-1 Nicholas Street  
Ottawa, Ontario  
K1N 7B7  
tel: 613 241 1001  
fax: 613 241 4758  
[www.stratos-sts.com](http://www.stratos-sts.com)



## **OUR VISION**

A world where decision makers at all levels integrate sustainability into their actions to improve ecological and human well-being.

## **OUR MISSION**

To provide business, governments and organizations with expert advice, information, and tools that will assist the development and implementation of more sustainable policies and practices.



We encourage you to print on recycled paper.  
Stratos uses 100% post-consumer content recycled paper.

## TABLE OF CONTENTS

<b>1</b>	<b>PURPOSE AND CONTEXT .....</b>	<b>1</b>
<b>2</b>	<b>INTRODUCTORY PRESENTATION AND QUESTIONS &amp; ANSWERS .....</b>	<b>2</b>
2.1	QUESTIONS AND COMMENTS REGARDING THE PROJECT .....	2
2.2	QUESTIONS AND COMMENTS REGARDING THE PROCESS.....	2
<b>3</b>	<b>STEPS IN THE SITE SELECTION PROCESS.....</b>	<b>3</b>
3.1	GENERAL COMMENTS.....	3
3.2	COMMENTS ON SPECIFIC STEPS .....	4
3.3	OTHER COMMENTS .....	7
<b>4</b>	<b>GUIDING PRINCIPLES.....</b>	<b>8</b>
4.1	GENERAL COMMENTS.....	8
4.2	COMMENTS ON SPECIFIC PRINCIPLES .....	8
<b>5</b>	<b>PROPOSED CRITERIA – SAFETY AND COMMUNITY WELL-BEING.....</b>	<b>10</b>
5.1	GENERAL COMMENTS.....	10
5.2	SAFETY CRITERIA .....	11
5.3	COMMUNITY WELL-BEING CRITERIA .....	12
<b>6</b>	<b>PARTNERSHIP AND COMMUNITY SUPPORT .....</b>	<b>15</b>
6.1	GENERAL COMMENTS.....	15
6.2	INTERESTED AND WILLING COMMUNITIES .....	15
6.3	OTHER COMMUNITIES .....	18
<b>7</b>	<b>THIRD-PARTY REVIEW.....</b>	<b>19</b>
<b>8</b>	<b>CLOSING REMARKS .....</b>	<b>21</b>
<b>9</b>	<b>ANNEXES.....</b>	<b>22</b>
9.1	ANNEX A - LIST OF PARTICIPANTS .....	22
9.2	ANNEX B - AGENDA.....	23

## 1 Purpose and Context

---

The Nuclear Waste Management Organization (NWMO) conducted a series of dialogues to test and refine the proposed process for selecting a site for managing Canada's used nuclear fuel for the long-term. The proposed process is presented in NWMO's Discussion Document *Moving Forward Together: Designing the process for Selecting a Site*. These dialogues are one of many inputs that NWMO will use to refine its proposed site selection process, which it intends on publishing in 2010.

NWMO retained Stratos Inc. to design, organise, facilitate and report on these dialogues. The dialogues were held in Saskatoon, Ottawa, Toronto and Saint John over September and October 2009. This report presents the input received during the Dialogue held in Saskatoon, Saskatchewan on September 16 and 17, 2009.

The dialogue brought together individuals from a wide range of perspectives, including representatives from Aboriginal organizations, business associations, municipal groups, non-government organizations, academia, the nuclear industry, and professional associations. A total of 26 participants, as well as staff from NWMO and Stratos, attended the session (see Appendix A for a list of the participants). To facilitate the dialogue on the site selection process, NWMO articulated four questions, which formed the basis for the agenda used in each of the dialogue sessions (see Appendix B).

To ensure that specific input was provided on the proposed site selection process, participants were informed about the focus of this particular dialogue session, including the following aspects:

- The dialogues are focused on testing and refining the proposed site selection process document.
- The dialogues are intended to improve the proposed process so that it is supportable and implementable.

This report summarizes the discussions held under each agenda item, including written comments submitted at the end of the meeting. Note that some of the participants' comments have been grouped thematically to avoid repetition and improve the report's clarity. They are therefore not always presented in the order in which they were made. The meeting was not designed to seek consensus among participants, though the report notes areas of general agreement.

---

## 2 Introductory Presentation and Questions & Answers

---

Kathryn Shaver, Vice President APM Engagement and Site Selection, welcomed the participants at the Saskatoon session and underlined the importance that NWMO attaches to hearing a diversity of views on its proposed site selection process. She traced briefly the history of NWMO's activities since its creation, paying particular attention to the development of the site selection process. After introducing the members of the NWMO team in attendance, she stated that NWMO wanted to hear from participants whether NWMO "had gotten it right".

George Greene, the Stratos facilitator, then reviewed the session's agenda and noted that the dialogue's purpose was to test NWMO's proposed site selection process, specifically by reviewing each of the major sections of NWMO's document *Moving forward together: designing the process for selecting a site* (hereafter referred to as the Discussion Document).

Ms. Shaver and her colleagues gave a detailed presentation in which they provided an overview of NWMO and its activities to date, described the Adaptive Phased Management (APM) approach, described recent engagement activities, and outlined the proposed process for site selection. A video of NWMO's presentation at one of the dialogues is available at [www.nwmo.ca](http://www.nwmo.ca).

After the presentation, participants asked questions related to the project and the proposed site selection process.

### 2.1 Questions and comments regarding the project

- What are the size requirements for the repository facilities? Is there a buffer zone required around the site?
- What is the scale of the demonstration facility referred to in the Discussion Document? Will it require similar approval steps as those required by the full-scale facility?
- What is the size of the trust fund for the project and what is its rate of growth?
- What will be the involvement of the local community in monitoring activities?
- How will security be maintained if the repository has to allow for retrievability, given that security concerns while the storage vaults are open were raised by the Seaborn Panel?

### 2.2 Questions and comments regarding the process

Despite the emphasis on safety in the Discussion Document, a few participants noted that nowhere in the Document is the hazardous nature of the used fuel material described.

Some participants asked about the risks of continuing to store used fuel at the reactor facilities, and why distributed storage was not deemed the safest option given the risks associated with transportation.

Additional comments and questions concerning the process included the following:

- Despite current policy decisions against reprocessing and importation of foreign nuclear waste, communities need to understand that over the long-term these activities might still occur.
- The Discussion Document should convey more gravity and recognize that the willing community will be taking on a burden for society by hosting the repository.
- Are the NWMO and Uranium Development Partnership (UDP) linked? NWMO clarified that the public engagement process for the Uranium Development Partnership (UDP) process in Saskatchewan is separate from NWMO and that the creation of NWMO predates the UDP initiative.

### **3 Steps in the Site Selection Process**

---

Ms. Jo-Ann Facella, NWMO's Director of Social Research and Dialogue, provided a brief overview of the principles and steps of the proposed site selection process, as described in chapter 3 (pages 15 to 24) of the Discussion Document.

Participants then broke-up into three groups to discuss the following questions:

1. Are the proposed decision-making steps consistent with selecting a safe site and making a fair decision?
2. What are the strengths of the proposed steps?
3. How could the proposed process (considering all steps together and individually) be improved to address any weaknesses? Why are these modifications important to you?

#### **3.1 General comments**

Participants expressed support for many of the steps in the proposed process. They appreciated that the process began with broad awareness-building activities and that progression was driven by interested communities. However, many participants argued for earlier involvement of the province, regulators, surrounding communities, and transportation communities in the process.

*More information and clarity on roles and responsibilities at each step*

Noting that the steps focus on the actions of NWMO and of interested communities, some participants felt that the roles and responsibilities of each level of government,

regulators, other communities (surrounding and along transportation route), third party reviewers, and waste owners should also be described for each step. One specific suggestion was to present this information for each step in a second column in the table on pages 20 to 24 of the Discussion Document.

Some participants wanted the process to identify criteria to inform the closure of each step to ensure that communities move through the process in a comparable and accountable manner.

#### *Perception of conflict of interest*

Throughout the dialogue, a few participants stated that NWMO is in a conflict of interest because it is overseen by the owners of the waste, who have a strong interest in finding a community willing to host the facility. In their view, NWMO cannot undertake the site selection process objectively, including the ability to disseminate objective information and to enter into a fair partnership with a willing community. These participants suggested that the NWMO needs to become an arm's length organization.

#### *Provide more clarity on how adaptability is addressed in the siting process*

Several participants did not see evidence of the *adaptive* aspect of APM in the description of the steps. They suggested that the Document describe how the site selection process will adapt to major changes, such as the emergence of a promising new reprocessing technology. Some participants also suggested addressing adaptability in the principles.

#### *Other comments*

Some participants asked what would happen if no community expresses interest. Some participants also asked how will the process and project fare in an uncertain future, and how decisions will be maintained with changes in community leadership and across generations.

### **3.2 Comments on specific steps**

#### *Step 1*

Participants generally agreed that awareness building is an appropriate first step, but expressed diverging views on areas of emphasis for awareness-building activities, including the nature of the information communicated, the manner in which it is conveyed, and who should be engaged.

Participants offered the following suggestions on the type of information to be provided as part of awareness-building activities in Step 1:

- The full range of potential scenarios for the repository site, including receiving foreign nuclear waste, and used fuel from new nuclear power plants, as well as limitations regarding policy decisions and guarantees provided by NWMO on these issues

- The hazardous nature of used nuclear fuel, and the uncertainties and unknowns associated with the proposed disposal concept and with transportation
- Experience from other communities and countries that have gone through similar processes, including successes and failures

Participants agreed that people need to be assured that information is balanced and unbiased, so information should also be provided from sources other than NWMO. They also agreed that the project should be presented as a federal responsibility, a national project, and as a service to the country.

In its presentation NWMO stated that it is not feasible to exclude large areas based on geological characteristics using available information and without conducting a more detailed assessment. Despite this, many participants felt that NWMO could and should identify exclusion areas or areas that are more likely to meet the basic geological suitability requirements for a deep underground repository. One suggestion was for NWMO to develop a map that indicates regions of geological suitability within ratings of likelihood (i.e. more likely to be suitable, less likely to be suitable). Another suggestion was for NWMO to provide a more specific description of the criteria on page 25 of the Discussion Document, so that communities could more easily screen themselves. For a few participants, the primary rationale for earlier pre-screening was to minimize the burden for communities, including the potential internal distress and divisions that could result from determining their interest in the project.

Some participants felt that visible involvement of provincial and federal regulators early in the process would help reassure potentially interested communities by providing information on issues such as protected areas, threshold limits, and applicable regulatory frameworks. A few participants stated that earlier involvement of provincial and federal environmental regulators (prior to regulatory review) would help ensure that ecosystems are protected and that ecosystem considerations are integrated into the definition of community.

Several participants argued that transportation-route communities need to be a focus of awareness-building activities at the beginning of the process and receive information on the nature of transportation and on criteria for transportation route evaluation at the earliest possible opportunity. One participant pointed out that, given the location of the waste in the four provinces and the location of current major rail and road corridors, many of the potential transportation routes should already be known.

One participant recommended that transportation-route communities have a veto for decisions on siting – this view was based on the perception that transportation risks are greater than those associated with storage. However, other participants stated that it was dangerous to give veto power to people on the periphery of interest. They were in agreement with the proposed approach of involving these communities at step 4, once a set of potentially willing host communities has been identified.

Most participants agreed that the province must be engaged early in the process (at Step 1 or 2), and before any individual community in that province moves to Step 2 in the process. Earlier engagement will signal to communities that the province supports the process and that the government, including regulators, will be part of the process. However, participants expressed a range of perspectives on other implications of early provincial involvement:

- Early involvement by the province will facilitate the fulfillment of *duty to consult* requirements for Aboriginal Peoples early in the process.
- Step 1 should trigger a provincial decision-making process, such as a referendum, whereby the province would opt in or out of any future involvement in the siting process.
- There should be a province-wide dialogue at step 1 involving information coming from range of perspectives.

#### *Steps 2 and 3*

Participants generally agreed with Step 2 and Step 3, notwithstanding the suggestion by many participants that a broader range of interests should be explicitly involved in the process starting in step 1 or 2 as described above.

Some participants suggested that the definition of who can express interest should be expanded beyond accountable authorities. For Aboriginal communities, the process should consider traditional roles and decision-making processes and not just Aboriginal governments. Examples provided included elders groups and the Métis society. It was also suggested that NWMO better define “accountable authority” in the case of an Aboriginal community. For non-aboriginal communities, it was suggested that economic development organizations and other non-governmental groups be permitted to express interest.

#### *Step 4*

A few participants stated that it is important for the detailed site evaluations to address potential risks to ecological receptors, especially in areas where humans may not be present.

Some participants recommended that NWMO expand the range of groups that can call for information and access funding for supporting their involvements at different steps, including step 4, to include groups such as:

- Métis locals, or First Nation formal and traditional leaders (non formal), such as elders;
- economic development groups such as chambers of commerce; and
- established NGOs.

The criteria for funding should include being well-organized and having the capacity to use funds effectively. While funding should be available to groups with a range of

perspectives in all potentially interested communities, NWMO should ensure consistency between communities, while avoiding duplication in the activities that are funded. A few participants suggested basing the system on the intervener funding model used in provincial and federal environmental assessment processes.

#### *Step 5*

Most participants agreed that communities must be able to demonstrate in a compelling manner their willingness to host the project and that this requirement is appropriately placed in Step 5, as it can only occur after the communities are fully informed about the project and the suitability of their community has been assessed in detail.

#### *Steps 6 and 7*

Participants were in general agreement with steps 6 and 7, but offered the following comments and suggestions:

- Some participants believed that the formal agreement signed in step 6 should include more parties than just NWMO and the willing host community, including all communities incurring risk or receiving benefits from the project.
- A few participants asked that a more detailed description of the underground demonstration facility be provided, including information on whether any used fuel would be brought into this facility.
- Step 7 describes NWMO being “in partnership with the community”, which according to some participants makes it unclear whether NWMO alone still remains the proponent. One participant requested that the wording be modified to clarify that NWMO remains the proponent from the regulator’s perspective.

### **3.3 Other comments**

During the discussion on Steps, participants also posed a number of questions related to NWMO’s work more broadly:

- One participant asked how other radioactive waste materials from nuclear plants (other than used fuel) are being managed.
- Another participant asked about NWMO’s role in the Deep Geologic Repository (DGR) project in Kincardine for the long-term management of Ontario Power Generation’s (OPG) low and intermediate level radioactive waste, and asked whether the elements of the proposed site selection proposed were used to select that site.

---

## 4 Guiding Principles

---

Participants discussed the principles described on pages 16 and 17 of the Discussion Document by addressing the following questions in plenary:

1. Having worked on reviewing and improving the decision-making steps in the last hour, do you think that the proposed siting principles (consider guiding and operational) are fair and appropriate?
2. What are the strengths of the nine operational principles?
3. How could these operational principles be improved, and why are these modifications important to you?

### 4.1 General comments

Most participants found the guiding principles on pages 16 and 17 to be fair and appropriate. A few participants emphasized that fairness is a subjective concept and assessing it will be challenging, even if fairness on matters of safety is generally determined through science and regulators. Perspectives on fairness will vary between communities and may depend on their respective histories and perceptions of having been treated fairly or unfairly in the past.

One participant observed that the principles in the Discussion Document focus on the process-related ethical factors identified in the study phase, while the results (i.e. Ethical Framework) of NWMO's ethics roundtable do not appear to be reflected. She emphasized that substantive ethical aspects, those that lead to ethical outcomes, must also be upheld during the site selection process.

### 4.2 Comments on specific principles

#### *Focus on Safety*

One participant suggested that the statement "ensure protection of present and future generations and the environment for a very long time period" should be changed to acknowledge uncertainty in the safety case for the project.

#### *Focus on the nuclear provinces*

One participant questioned the fairness of this principle in the case of Saskatchewan, as studies on the effects of uranium mining and other nuclear-related activities in the province have not been completed and may indicate that the province has experienced more impacts than benefits from its participation in the nuclear fuel cycle.

#### *Right to withdraw*

Several participants stated that this principle is excellent for ensuring community autonomy in decision making, but suggested that the Discussion Document provide more detail on how this right is to be exercised. One participant asked whether a

community could re-enter the process after withdrawing, for example following a change in leadership in the community.

#### *Definition of "interested community"*

A few participants questioned the definition of community provided in the Discussion Document. One participant stated that 'community' must be defined broadly and that community should mean the entire province of Saskatchewan, even if the site is not on crown land.

#### *Special case of Crown Land*

A few participants identified a range of additional factors to be considered in the special case of Crown land:

- Although the province is the owner of crown land, a municipality may be affected by its use, and have jurisdiction over aspects of its use.
- In addition to Aboriginal people, other users and uses of the Crown land need to be recognized.
- Crown land could also include federal lands, and not just provincial land.

One participant felt that in the case of crown land, a province-wide consultation with all potentially affected people should be triggered.

#### *Aboriginal rights, treaties and land claims*

A range of suggestions for additions to this principle were made by Aboriginal participants:

- Providing compensation and future benefits for Aboriginal communities
- Respecting the duty to consult and accommodate, as defined by the Supreme Court of Canada decisions.
- Supporting a treaty-based economy which gives Aboriginal communities a share of the economic activity on their lands
- Acknowledging that Aboriginal rights exist in all parts of Saskatchewan and that this needs to be built into this principle.

One participant asked whether NWMO, as an organization that follows international practice, adheres to the UN Declaration on the Rights of Indigenous Peoples.

#### *Additional Principles*

Several participants recommended that a second set of principles for the operation of the site be added to the Discussion Document. They argued that the current principles are focused on the siting process and that the Document does not indicate what principles will continue to apply, or what new principles might apply, during project implementation and facility operation.

In a similar vein, other participants identified the following issues concerning the operation of the site to help inform interested communities during the site selection process.

- Ongoing community engagement during construction and operation
- Liability – Who will be responsible for corrective action or impacts if criteria or performance objectives are not met?
- Monitoring – How will monitoring be conducted, including aspects such as establishing baseline conditions for the site and community, community involvement in monitoring, and ensuring that monitoring provides an ‘unmediated window’ (i.e. full transparency) of what is happening in the repository?

## **5 Proposed Criteria – Safety and Community Well-Being**

---

Jo-Ann Facella of NWMO provided a brief overview of chapter 4 of the Discussion Document, entitled *Ensuring the Safety of a Site and Fostering Community Well-Being*.

Participants then broke into four discussion groups. Two groups discussed criteria for safety by addressing the following questions:

1. Are the six safety-related questions reasonable and appropriate?
2. What additional safety-related questions or topics, if any, would you like to see addressed? Why are these additional questions important to you?

The other two groups discussed community well-being by addressing the following questions:

1. Is the proposed approach to considering factors beyond technical safety (i.e. community well-being factors and evaluation factors) appropriate?
2. What are the strengths of the proposed community well-being factors?
3. What additional factors or improvements would you recommend for addressing community well-being? Why are these modifications important to you?

### **5.1 General comments**

Most participants were comfortable with how the chapter presents two areas of evaluation: *safety* and *beyond safety* criteria. However, other participants suggested either clarifying or integrating these two areas.

In considering the description of the two areas for evaluation at the bottom of page 25 of the Discussion Document, some participants felt that the evaluation of factors “beyond safety” should also focus on “people and the environment” and not just on the

host community. Some other participants found the title “beyond safety” to be confusing as one of the first bullets under evaluation factors in the table entitled “Proposed Criteria to Assess Factors Beyond Safety” refers to health and safety of residents and community. One suggestion to resolve these concerns was to use a framework of criteria for “off-site safety” and “on-site safety”, instead of *safety* and *beyond safety*.

While participants generally agreed with the initial screening criteria presented on page 25 of the Discussion Document, two participants emphasized that this screening needs to take into account the uncertain status of certain areas of Saskatchewan because the province has not completed its assessment of protected areas, nor have all traditional lands in the province been defined.

A few participants recommended that the Discussion Document contain a clearer description of the stages of safety assessment and evaluation. One suggestion was to include a flowchart to convey the information provided on page 27 of the Discussion Document.

## **5.2 Safety criteria**

Several participants stated that our ability to ensure the long-term safety of the site is limited by our predictive methods and the very long-term hazards associated with used fuel. While the level of concern on this point varied among participants, most agreed that the Discussion Document must be up front about the uncertainties in the safety evaluation of the project.

Other participants were more confident that a safety case could be demonstrated but requested that more detail be provided on the use of established safety principles, standards, or reference cases. Some participants were of the view that safety could be defined and a case for safety demonstrated, but that the Discussion Document should include a more definitive description. Other international projects could be used to inform the development of a reference case.

### *Safety Question 1*

One participant stated that the evaluation of geologic material must extend far enough to include any “buffer zones” that offer additional protection to the surrounding environment against contamination from the facility.

### *Safety Question 2*

One participant felt it would be helpful to expand the criteria under this question to include more examples of likely disturbances, such as bombing or other human-created disturbances that could threaten the stability of the rock.

#### *Safety Question 4*

A few participants suggested that this safety question also address security issues, to account for human intrusion for reasons less benevolent than resource extraction. Participants were also open to including a separate safety question for this issue.

For one participant, this safety question highlighted the need to pass on information about the site and its location from one generation to the next to ensure that inappropriate use of the site that endangers human health is avoided.

#### *Other comments and questions*

A few participants were of the view that additional international organizations, such as the World Health Organization, should weigh in on the desirable characteristics of the preferred site, not just the CNSC and the IAEA as mentioned on page 26 of the Discussion Document.

A participant asked why rock types other than Precambrian (crystalline) rock, which was the preferred geological setting during the Seaborn panel, are now being considered as suitable repository locations.

Participants offered a range of comments regarding the language and terminology:

- Chapter 4, and the Discussion Document in general, lacks references to engineering. The document should refer to “engineering” and “engineers” as much, if not more than “science” and “scientist”, because the project is an engineering project and because of the importance of the specific roles and responsibilities of the engineering profession.
- The verb “should” is used throughout the table entitled *Proposed Criteria to Ensure Safety*. Why is a more definitive verb, such as “must”, not used given the primacy of safety in the evaluation of the site?
- The meaning of the terms “appropriate”, “safe”, and “long-term containment” require more definition. These terms are also subjective and variable within the timeframe of the project (i.e. these terms could lose meaning over time).
- The term “ecosystem” and a description of the linkages between human health and other non-human ecosystem components should be included in the section *Protecting humans and the environment*.

### **5.3 Community well-being criteria**

Many participants were pleased with the overall approach to helping communities develop a plan to foster well-being and with many of the evaluation factors presented on page 32 of the Discussion Document. These participants felt that the evaluation factors addressed all aspects of sustainability, would help communities understand the full range of potential impacts (including social dimensions) and determine its willingness, and help ensure that the most appropriate site is chosen.

Other participants suggested that fostering well-being at a regional level was a necessary addition.

A few participants stated that best efforts should be made to ensure that community well-being is maximized by providing best practice examples in areas such as drug testing, mandatory cultural training, and safety training for the whole community. Furthermore, the core competencies of the community need to be recognized and will likely vary greatly between different communities (e.g. small town vs. large town, Aboriginal vs. non-Aboriginal, as well as within these types).

#### *Addressing well-being at the regional level*

A number of participants stated that the evaluation of well-being factors should take a regional approach. This approach would be more appropriate in terms of addressing ecological sensitivities and associated impacts on land use, such as trapping. The process should also recognize the importance of regional benefits, including opportunities for regional jobs in the short, medium, and long-term for both Aboriginal and non-Aboriginal people. This approach may also require a strategic environmental or sustainability study of the region – to understand the regional baseline and to identify where industrial development is possible without damaging the ecosystem. It may also require targeted investments in youth (e.g. through dedicated scholarships and other programs through regional universities and schools) to ensure that future workforce for the project can be regionally based.

#### *Social, cultural and economic pressures*

Several participants emphasized the potentially transformational nature of the project, and felt that the Discussion Document understates the potential impacts. Specifically, some participants recommended that the section on community well-being on page 31 elaborate on the phrase referring to ‘potential to contribute to social and economic pressures’ and be more explicit about social and cultural impacts in the evaluation factors on page 32. Participants cited Fort McMurray as a community where there have been significant social impacts due to the rapid industrial development.

In a similar vein, a few participants suggested incorporating “change management processes” into the bullet on “Community administration and decision-making processes”. It will be important for a community to have the tools and management capacity to address significant social, cultural, and economic changes in the community.

#### *Avoiding archeologically and historically sensitive areas*

Several participants suggested modifying the fourth set of evaluation factors by specifically including “archeologically and historically sensitive areas”. With this change, the word “ecologically” should be removed from the title of this section (i.e. “Potential to avoid sensitive areas”).

### *Impacts on vegetation and wildlife*

A few participants recommended that impacts on vegetation and wildlife also be integrated into the evaluation factors and that specific requirements for allowable impacts be identified.

### *Involving youth and addressing long-term benefits*

Several participants emphasized the importance of long-term benefits for the community and the importance of ensuring that those making decisions today are not the only ones to reap the benefits of the project. Therefore, participants recommended that the development of a plan to foster the well-being of the community must involve youth and address long-term benefits and possibly compensation for future generations. Long-term benefits included services, infrastructure, and activities that may continue following decommissioning of the site, such as on-going operation of the centre of excellence.

One group of participants suggested that community plans and visioning processes consider a time frame extending 50 years into the project, beyond decommissioning of surface facilities, so as to plan for this significant transition in the nature of the project at that time.

### *Other Comments*

Participants identified a range of additional factors and project elements that could be considered to maximize community well-being:

- The use of sustainable technologies throughout the project
- Infrastructure enhancement that will be considered as an attractant to current and future residents
- Measures to integrate workers and people from NWMO into the community
- Contributing to regional poverty reduction
- Establishing mandated employment levels through different stages of the project
- Developing services that are complementary to a waste site, in addition to the centre of excellence

One participant suggested that citizens' views for or against the project may lead to migration in and out of a community, including organized migration into the community to bolster support. Therefore, community well-being factors need to address ways to avoid bribery and coercion.

One participant commented that the community well-being factors need to address safety from the social perspective, or *social safety*, more strongly. Regulatory authorities may say that risks are acceptable, but it is ultimately the community that needs to have the ability to say what level of risk they are willing to tolerate.

---

## 6 Partnership and Community Support

---

After Jo-Ann Facella of NWMO introduced Chapter 5 of the Discussion Document (*Partnership and Community Support*), participants broke up into four groups to discuss the following questions:

1. Considering the proposed partnership and community support approach for potentially interested and/or willing host communities:
  - a. What are the strengths of the proposed approach?
  - b. What improvements would you recommend, and why are these modifications important to you?
2. Are the other types of communities appropriately involved? If not, how could the process of involving potentially affected communities be improved? Consider the following:
  - a. Surrounding communities & regions
  - b. Communities on potential transportation routes
  - c. Aboriginal peoples
  - d. Public and other interested individuals/groups

### 6.1 General comments

Most participants agreed in general with NWMO's proposed approach to partnership with a willing host community, and the provision of resources to support activities (listed on page 33) that help the community in its decision-making process. One participant noted that what is being proposed is creative and could serve as model for other industries. Notwithstanding this support, participants suggested several modifications and additions to the approach.

As they did earlier, a few participants expressed a preference for a broader definition of community, such as a region encompassing many communities linked by ecosystem, social, and economic factors.

### 6.2 Interested and willing communities

#### *Requirements for a compelling demonstration of willingness*

Participants expressed a range of views on how a community should demonstrate its willingness in a compelling way. Some felt that the demonstration of willingness should be left entirely to the community. A few participants emphasized that ordinary citizens, and not only elected officials, should be involved in the design of the engagement process to assess and demonstrate willingness. This involvement may require capacity building in the community.

Others felt that communities will want to know in more detail what is expected of them. They recommended that the site selection process set more specific requirements, such as the threshold of support required.

Some participants believed that there may be pressure on the willing host community to accept new waste (used fuel from new reactors), and suggested that the process needs to provide assurance to the community, either in the formal agreement with NWMO or through government policy, that this will not happen. One participant asked whether it would be possible for a community to attach conditions to its willingness, such as a limit on the volume of used fuel and not permitting reprocessing in the future.

#### *Aspects of the formal agreement*

Some participants felt that the formal agreement should also include surrounding regions and possibly the province, as they believed that the risks, and therefore the benefits, would extend beyond the willing host community. For example, a repository situated in northern Saskatchewan would be expected to provide a long-term economic base for all Aboriginal communities in Northern Saskatchewan.

A few participants expressed concerns about the implications of the partnership agreement for the relationship between the community and NWMO and between the community and surrounding communities. They argued that the agreement should include mechanisms to ensure equality between NWMO and the community. To ensure transparency, the agreement should not include non-disclosure clauses. The process should also avoid having the partnership between NWMO and the community create a dynamic that pits the willing community against surrounding communities.

#### *New risks and impacts identified in regulatory process*

According to one group of participants, the environmental assessment (EA) and other regulatory processes may reveal new information that significantly affects the community's willingness to host the project. Under the proposed process, the community would have already ratified its formal agreement with NWMO, given up its right to withdraw, and the centre of expertise and demonstration project would be underway. A range of options to address this issue were discussed:

- A few participants suggested that the community ratify the agreement with NWMO and give up its right to withdraw only after the EA has been completed and the community has had the opportunity to review and understand the results.
- Other participants recognized that if ratification of the agreement were not required at Step 6, NWMO would be committing significant time and resources to implement Step 7 with no commitment from the community to be the willing host. Therefore, an agreement or some other commitment that is stronger than an MOU should still be signed in Step 6 but include an "escape clause", so that communities have a way out if the EA reveals new information about risks that had not been previously defined or understood.

### *Integrity of community visioning exercise*

Some participants noted that there is a risk that the community visioning exercise, described on page 33 of the Discussion Document, could be unduly influenced by its interest in the project and the associated benefits. They stressed that it was important for the community's plan to be developed as independently of NWMO as possible so that the plan informs their interest in the project and not the other way around. One suggestion was for communities to conduct the visioning and long-term planning activities as early as possible, possibly ahead of declaring their interest at step 2.

### *Increasing youth involvement*

One group of participants recommended that the approach to partnership and community support include explicit requirements to engage youth in the community. They recommended that youth, including Métis and Aboriginal youth, be engaged first at the community level on issues that interest them, such as sustainable development or green technology. This could be followed by formal mechanisms such as mentorship programs and curriculum elements in school.

### *Definition of community*

Some participants continued to view the definition of community suggested by the Discussion Document as restrictive. They believed that in Saskatchewan, it is more likely for a group of geographical communities to step forward than a single community because the province has a small population consisting of many small towns. This would also be the case for Aboriginal communities in Northern Saskatchewan. Region is a better term than community, and the boundaries of the region should be determined by a combination of ecosystem, social, and economic factors. One participant noted that having the province be the proponent (i.e. in the case of crown land) would address these needs.

### *Funding mechanisms for the provision of resources to support decision-making*

Several participants asked for more specifics on how funding is to be allocated for the resources being offered by NWMO, as listed on page 33 of Discussion Document:

- Who decides who gets funding?
- What are 'reasonable' costs?
- On what basis will resources be funded? What will be the criteria (e.g., existing capacity in community, accountability?)
- What assurances are there of funds being available for all reasonable costs if requests are more numerous than expected?
- How will the process guard against duplication of work?

Participants agreed that rigour and accountability for funding decisions was important, but had different views regarding who should make the decisions. Some participants suggested that a third party or government body be responsible for funding decisions to

eliminate any conflict of interest or perception thereof. Others preferred that NWMO make the decisions. One participant suggested that more detail on funding mechanisms could be provided in a separate document.

#### *Strengthening requirements and tools for citizen engagement*

Some participants recommended that the Discussion Document convey a more systematic approach to citizen engagement in interested communities, including the development of a citizen engagement plan. NWMO should also provide a list of best practice resources and tools for communities to choose from. Best practices and suggestions could be provided for some of the activities listed in the bullets on page 33. Specific suggestions included informing citizens through local radio and television programming, and twinning communities with host communities in Europe to foster cross-disciplinary conversations between NGOs, scientists, and communities.

#### *Other comments on partnership with the willing community*

A range of other comments were provided by individual participants:

- The process needs to communicate clearly on the nature and distribution of benefits, including whether there will be both community benefits as well as benefits directed to individuals. The latter raises the possibility of benefits moving out of the community.
- The Discussion Document needs to demonstrate how commitment to the partnership will be ensured – commitment by current and by future generations.
- The process needs to plan for the possibility that future societies will not be stable.

### **6.3 Other communities**

#### *Earlier involvement of other communities*

Participants reiterated the point made earlier that surrounding communities and those along potential transportation routes need to be brought into the process earlier than Step 4 (i.e. at Step 2). A few people stated that veto power, or “some right to say no”, should be given to these communities. However, others felt that the interested community should have primary decision making power, and expressed concern that the process may not function if such veto powers are granted. Decision-making power needs to be allocated to those who will be impacted by the project, but recognizing that “primary impacts” would be on the host community, and “secondary impacts” on the surrounding communities, downstream, and on communities along the transportation routes.

#### *Involving Aboriginal Peoples*

The approach to engagement with surrounding communities may vary depending on the region, and whether communities are Aboriginal or not. For example, a participant recommended that initial engagement and awareness-building for Northern Saskatchewan Aboriginal communities initially involve all communities and all levels of

government and then allow these communities to speak to each other on the issue. An Aboriginal participant also noted that the Federation of Saskatchewan Indian Nations would set the rules of engagement.

A few participants also asked that NWMO refer to the *Duty to Consult* in the section on involving Aboriginal Peoples on page 35 of the Discussion Document.

#### *Support for communities along potential transportation routes*

Several participants found the proposed approach to engaging communities on potential transportation routes (as described on page 34) to be inadequate, especially considering that the support of these communities may be pivotal. The proposed approach puts the onus on the transportation community to raise questions and concerns and to request funds from NWMO to seek independent advice. NWMO should inform these communities more proactively by providing a regional transportation risk assessment, which would identify among other things what upgrades to transportation infrastructure might be required.

#### *The value of oppositional views*

A few participants suggested that the section on fostering public conversation and discussion (page 35) be more explicit about supporting opposing and alternative views, on both process issues and technological approaches to nuclear waste management, to ensure full and balanced information for interested communities and others.

---

## **7 Third-Party Review**

---

Jo-Ann Facella of NWMO provided a brief overview on the three types of third-party review in the proposed process, as described in chapter 6 of the Discussion Document.

Participants were then invited to provide their perspectives in plenary by responding to the following questions:

1. Is the proposed approach for third-party review which is available to communities appropriate?
2. What are the strengths of the proposed approach to third-party review?
3. What improvements would you recommend, and why are these modifications important to you?

Throughout the day's discussion, participants expressed broad support for third-party involvement in different aspects of the process – not only in a review capacity, but also in an oversight capacity. However, most participants felt that more detail on how the different types of third party review will function at each step needs to be provided in the Discussion Document.

### *Funding decisions*

As they had earlier, some participants suggested a third party role in the distribution of funds for resources to support communities in decision-making and that this be included in the discussion on partnership and community support (Chapter 5).

### *Oversight of the process*

Participants generally agreed with a third party review of NWMO's adherence to the site selection principles and process. However, some participants did not agree with having NWMO's Advisory Council in this third party role after learning that the membership of the Advisory Council is selected by NWMO's board of directors. One participant suggested this oversight body be independent and composed of representatives from NWMO, the community/region, and people from other communities.

### *Other comments and questions on third party review*

Participants offered a range of additional comments and questions concerning third party review:

- Reviewers need to be given the ability to conduct their own research or investigation to verify findings.
- A third party overseeing the process could be called upon to negotiate solutions to challenges such as insufficient funding for the provision of the full range of support to each interested community. There is a need for such mechanisms in the process to ensure that commitments to communities in the process are upheld despite unforeseen circumstances.
- What are NWMO's and the community's obligations in reacting to third party review findings, and could the findings of a third party review stop something in the process?
- What are best practices for third party review?
- How might the third party review group change or stay the same for different communities going through the process?
- A third party oversight group composed of non-scientists should oversee the appointment of independent reviewers.

## **8 Closing Remarks**

---

Participants were invited to share any final remarks in plenary. One participant spoke up to recommend that interested communities be promised that no waste will be stored in the repository before nuclear waste generation has stopped, so as to provide some assurance to the community on the size and duration of the project.

Kathryn Shaver thanked the participants for their thoughtful comments. She explained that Stratos will prepare a report for each of the multi-party dialogues as well as a consolidated report of all the sessions, both of which would be distributed to participants. During the fall, NWMO will continue its current engagement activities on the site selection process with the provinces, Aboriginal groups and the public. NWMO will review all input received at the end of the year and aim to release a revised site selection process document in 2010. NWMO will also send a copy of this document to participants when it becomes available.

## 9 Annexes

### 9.1 Annex A - List of participants

First Name	Last Name	Organization
Allan	Blakeney	University of Saskatchewan
Jose	Condor Tarco	University of Regina
Ann	Coxworth	Saskatchewan Environmental Society
Tanya	Dahms	University of Regina
Allan	Earle	Saskatchewan Urban Municipalities Association
Allan	Evans	Prairie Centre Policy Institute
Graham	Haines	The Pembina Institute
Mary Lou	Harley	United Church
Joseph	Hnatiuk	Saskatchewan Nature and Ecotourism Association
Vanessa	Hyggen	Federation of Saskatchewan Indian Nations
Brian	Kembel	Métis Nation Saskatchewan
Walter	Keyes	Canadian Nuclear Society
Chris	Lafontaine	Niigani
Larry	Lechner	Association of Professional Engineers and Geoscientists of Saskatchewan
Don	McCallum	Saskatchewan Association of Rural Municipalities
Jamie	McIntyre	Cameco
Steve	McLellan	The Saskatchewan Chamber of Commerce
Axel	Meisen	Alberta Research Council
Michael	Poellet	Inter-Church Uranium Committee Educational Co-operative
Mary	Richard	Niigani
Bryan	Schreiner	Saskatchewan Research Council
Jim	Sinclair	Niigani
Doug	Steele	Saskatchewan Association of Rural Municipalities
Donna	Tingley	Natural Resources Conservation Board (NRCB)
Pieter	Van Vliet	Van Vliet Consulting Inc.
Judy	Wasacase	Federation of Saskatchewan Indian Nations
Glen	Weisbrod	Aqua Terre Solutions Inc. / SNC Lavalin Environment Inc.
Jon	Yee	Canadian Commission for UNESCO's Youth Advisory Group

## 9.2 Annex B - Agenda

### Objective

- To engage interested parties with diverse perspectives in the provinces involved in the nuclear fuel cycle in a dialogue to test and refine the proposed site selection process for Canada's long-term management facilities for used nuclear fuel

<b>EVENING SESSION (6:00 p.m. – 9:00 p.m.)</b>
<b>Greeting &amp; Dinner</b>
<b>Opening Remarks</b> ( <i>Stratos</i> )
<b>Overview of the Project &amp; Proposed Site Selection Process</b> <i>NWMO Panel Presentation</i>
<b>Plenary Discussion</b>
<b>Presentation of Next Day's Agenda</b> <i>Stratos Overview</i>

<b>DAY SESSION (8:30 a.m. – 4:00 p.m.)</b>
<b>Introduction to Session</b> ( <i>Stratos</i> )
<b>Proposed Steps &amp; Guiding Principles</b> <i>NWMO Panel Presentation, Breakout Groups Discussion &amp; Reporting Back in Plenary</i>
<b>Break</b>
<b>Proposed Steps &amp; Guiding Principles</b> (continued) <i>Plenary Discussion</i>
<b>Proposed Criteria – Safety and Community Well-Being</b> <i>NWMO Panel Presentation, Breakout Groups Discussion &amp; Reporting Back in Plenary</i>
<b>Working Lunch</b>
<b>Partnership and Community Support for Decision Making</b> <i>NWMO Panel Presentation, Breakout Groups Discussion &amp; Reporting Back in Plenary</i>
<b>Break</b>
<b>Approach to Third-Party Review</b> <i>NWMO Panel Presentation, Plenary Discussion</i>
<b>Closing Remarks &amp; Next Steps</b> <i>Plenary Discussion, Participant Written Input, NWMO Closing Remarks</i>